



February 13, 2009

HOUSE BILL No. 1654

DIGEST OF HB 1654 (Updated February 11, 2009 3:40 pm - DI 103)

Citations Affected: IC 8-22.

Synopsis: Anderson airport development zone. Provides that the Anderson airport area may be designated an airport development zone by the Anderson airport board.

Effective: July 1, 2009.

Austin, Lutz

January 16, 2009, read first time and referred to Committee on Small Business and Economic Development.

February 12, 2009, reported — Do Pass. Referred to Committee on Ways and Means pursuant to Rule 127.

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HB 1654—LS 7254/DI 58+



February 13, 2009

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

HOUSE BILL No. 1654

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 8-22-3.5-1, AS AMENDED BY P.L.124-2006,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2009]: Sec. 1. This chapter applies to the following:

- 4 (1) Each county having a consolidated city.
- 5 (2) Each city having a population of more than ninety thousand
- 6 (90,000) but less than one hundred five thousand (105,000).
- 7 (3) Each county having a population of more than one hundred
- 8 five thousand (105,000) but less than one hundred ten thousand
- 9 (110,000).
- 10 (4) Each county having a population of more than three hundred
- 11 thousand (300,000) but less than four hundred thousand
- 12 (400,000).
- 13 (5) Each county having a population of more than one hundred
- 14 seventy thousand (170,000) but less than one hundred eighty
- 15 thousand (180,000).
- 16 (6) Each county having a population of more than one hundred
- 17 eighteen thousand (118,000) but less than one hundred twenty

HB 1654—LS 7254/DI 58+



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thousand (120,000).

(7) Each city having a population of more than fifty-nine thousand seven hundred (59,700) but less than sixty-five thousand (65,000).

SECTION 2. IC 8-22-3.5-2, AS AMENDED BY P.L.124-2006, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. As used in this chapter, "commission" refers to the following:

(1) With respect to a county having a consolidated city, the metropolitan development commission acting as the redevelopment commission of the consolidated city, subject to IC 36-3-4-23.

(2) With respect to a city described in section 1(2) of this chapter, the board of the airport authority for the city.

(3) With respect to a county described in section 1(3) of this chapter, the board of an airport authority that is jointly established by the county and a municipality under IC 8-22-3.

(4) With respect to a county described in section 1(4) or 1(5) of this chapter, the board of an airport authority that is jointly established by the county and a municipality under IC 8-22-3.

(5) With respect to a county described in section 1(6) of this chapter, the board of an airport authority that is established by the county.

(6) With respect to a city described in section 1(7) of this chapter, the airport board for the city.

SECTION 3. IC 8-22-3.5-2.5, AS AMENDED BY P.L.124-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2.5. Notwithstanding IC 8-22-1-6, as used in this chapter, "eligible entity" refers to any of the following:

(1) A consolidated city.

(2) A city described in section 1(2) of this chapter.

(3) A city in a county described in section 1(3) of this chapter.

(4) A county described in section 1(4) of this chapter.

(5) A city located in a county described in section 1(4) of this chapter.

(6) A county described in section 1(5) of this chapter.

(7) A city located in a county described in section 1(5) of this chapter.

(8) A county described in section 1(6) of this chapter.

(9) A city described in section 1(7) of this chapter.

SECTION 4. IC 8-22-3.5-3, AS AMENDED BY P.L.124-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2009]: Sec. 3. (a) As used in this chapter, "qualified airport development project" means an airport development project that has a cost of the project (as defined in IC 4-4-10.9-5) greater than:

- (1) five hundred million dollars (\$500,000,000), if the project is to be located in a county having a consolidated city; or
- (2) two hundred fifty thousand dollars (\$250,000), if the project is to be located in:

- (A) a city described in section 1(2) **or 1(7)** of this chapter; or
- (B) in a county described in section 1(3), 1(4), 1(5), or 1(6) of this chapter.

Except as provided by subsection (b), the term includes any portion or expansion of the original qualified airport development project used by one (1) or more successor tenants.

(b) For purposes of section 9 of this chapter, the definition of "qualified airport development project" does not include any portion of, or expansion of, the original qualified airport development project used by a successor tenant unless the commission adopts a resolution to amend the definition to include that portion or expansion.

SECTION 5. IC 8-22-3.5-5, AS AMENDED BY P.L.124-2006, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. (a) The commission may designate an area within the jurisdiction of an airport authority under IC 8-22-3 as an airport development zone if the commission finds by resolution the following:

- (1) In order to promote opportunities for the gainful employment of the citizens of the eligible entity and the attraction of a qualified airport development project to the eligible entity, an area under the jurisdiction of the airport authority should be declared an airport development zone.

- (2) The public health and welfare of the eligible entity will be benefited by designating the area as an airport development zone.

(b) If the airport development zone will be located in a consolidated city or in a county described in section 1(3), 1(4), 1(5), or 1(6) of this chapter, the resolution adopted under subsection (a) must also include a finding that there has been proposed a qualified airport development project to be located in the airport development zone, with the proposal supported by:

- (1) financial and economic data; and
- (2) preliminary commitments by business enterprises that evidence a reasonable likelihood that the proposed qualified airport development project will be initiated and accomplished.

(c) If the airport development zone will be located in a city

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described in:

(1) section 1(2) of this chapter, the resolution adopted under subsection (a) must also include findings stating that the most recent federal decennial census for the city indicates ~~that: the following:~~

~~(1)~~ (A) The unemployment rate for the city is at least thirteen percent (13%).

~~(2)~~ (B) The population of the city has decreased by at least ten percent (10%) as compared to the population reported in the preceding federal decennial census for the city.

~~(3)~~ (C) The median per capita income for city residents does not exceed eighty percent (80%) of the median per capita income for all residents of the United States. ~~and~~

~~(4)~~ (D) At least twenty-five percent (25%) of the population of the city is below the federal income poverty level (as defined in IC 12-15-2-1); or

(2) section 1(7) of this chapter, the resolution adopted under subsection (a) must also include findings stating the following:

(A) There has been proposed a qualified airport development project to be located in the airport development zone, with the proposal supported by:

(i) financial and economic data; and

(ii) preliminary commitments by business enterprises that evidence a reasonable likelihood that the proposed qualified airport development project will be initiated and accomplished.

(B) The city has Interstate Highway 69 serving the airport and the city's residents and facilitating commerce and free travel within and through the Midwestern United States.

(d) The resolution adopted under subsection (a) must describe the boundaries of the area. The description may be by reference to the area's location in relation to public ways or streams, or otherwise, as determined by the commission.

(e) If the airport development zone will be located in a county described in section 1(4), 1(5), or 1(6) of this chapter, the resolution adopted under subsection (a) and any qualified airport development project to be located in the airport development zone, must be approved by the executive of:

(1) the county, if the entire airport development zone or qualified airport development project will be located outside the boundaries of any municipality located in the county;

(2) a municipality located in the county, if the entire airport

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development zone or qualified airport development project will be located within the boundary of the municipality; or (3) the county and a municipality located in the county, if the airport development zone or qualified airport development project will be located within the boundary of the county and in part within the boundary of the municipality.

SECTION 6. IC 8-22-3.5-14, AS AMENDED BY P.L.146-2008, SECTION 366, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 14. (a) This section applies only to an airport development zone that is in a:

(1) city described in section 1(2) **or 1(7)** of this chapter; or

(2) county described in section 1(3), 1(4), or 1(6) of this chapter.

(b) Notwithstanding any other law, a business or an employee of a business that is located in an airport development zone is entitled to the benefits provided by the following statutes, as if the business were located in an enterprise zone:

(1) IC 6-3-2-8.

(2) IC 6-3-3-10.

(3) IC 6-3.1-7.

(4) IC 6-3.1-9.

(5) IC 6-3.1-10-6.

(c) Before June 1 of each year, a business described in subsection (b) must pay a fee equal to the amount of the fee that is required for enterprise zone businesses under IC 5-28-15-5(a)(4)(A). However, notwithstanding IC 5-28-15-5(a)(4)(A), the fee shall be paid into the debt service fund established under section 9(e)(2) of this chapter. If the commission determines that a business has failed to pay the fee required by this subsection, the business is not eligible for any of the benefits described in subsection (b).

(d) A business that receives any of the benefits described in subsection (b) must use all of those benefits, except for the amount of the fee required by subsection (c), for its property or employees in the airport development zone and to assist the commission. If the commission determines that a business has failed to use its benefits in the manner required by this subsection, the business is not eligible for any of the benefits described in subsection (b).

(e) If the commission determines that a business has failed to pay the fee required by subsection (c) or has failed to use benefits in the manner required by subsection (d), the commission shall provide written notice of the determination to the department of state revenue, the department of local government finance, and the county auditor.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Small Business and Economic Development, to which was referred House Bill 1654, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

RESKE, Chair

Committee Vote: yeas 11, nays 0.

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